

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT  
STAFF: Greg H. Walker  
MEETING DATE: February 27, 2002

ITEM: 13

SUBJECT: **Fairfield Suisun Sewer District, Fairfield, Solano County** – Hearing to Consider  
Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to  
Waters of the State

CHRONOLGY: No previous MMPs.

There were a total of nineteen effluent violations of Fairfield Suisun Sewer District's NPDES permit limits during the period between January 1, 2000 and September 1, 2001. Sixteen of these violations are subject to a mandatory penalty for a minimum penalty of \$48,000. For the first serious violation in a six month period, the District is allowed to propose a supplemental environmental project or a pollution prevention project in lieu of \$3,000 of the penalty. There are 2 such violations, allowing for \$6,000 of supplemental environmental project or a pollution prevention project. The City has signed the waiver to a Board hearing.

RECOMMEN-  
DATIONS: No action required.

File No.: 2129.2005(GHW)

Appendix: A. Complaint No. R2-2002-0004 and signed waiver.  
B. Errata sheet

## Appendix A



# California Regional Water Quality Control Board

## San Francisco Bay Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov>  
1515 Clay Street, Suite 1400, Oakland, California 94612  
Phone (510) 622-2300 • FAX (510) 622-2460

Gray Davis  
Governor

FEB 05 2002

File No. 2129.2005(GHW)

CERTIFIED MAIL NO. 70010320000236096364  
RETURN RECEIPT REQUESTED

Mr. Paul Rheault  
OMI Project Manager  
~~Operations Management International Inc.~~  
1014 Chadbourne Road  
Fairfield, CA 94588

Subject: Mandatory Minimum Penalty assessed under Water Code Sections 13385(h) and (i)

Dear Mr. Rheault,

Enclosed is Complaint No.01-132. The Complaint alleges that there were a total of nineteen effluent violations of your NPDES permit limits during the period between January 1, 2000 and September 1, 2001: four chlorine residual violations on February 16, 2000, February 20, 2000, July 28, 2001 and August 7, 2001, and six total coliform seven sample moving median violations on February 14, 15, 16, 17, 18 and 20, 2001. There were seven ammonia nitrogen daily maximum violations on June 1, 3, 4, 5, 6, 10 and 30, 2001. There was one cyanide daily average violation on June 5, 2001, and one zinc daily average violation on June 6, 2001. Of the nineteen violations, sixteen are subject to a mandatory minimum penalty under Sections 13385(h) and (i) of the California Water Code for a total mandatory minimum penalty of \$48,000.

I plan to bring this matter to the Regional Board at its February 27, 2002 meeting. You have two options:

1. You can appear before the Board at the meeting to contest the matter. Written comments are due by February 11, 2002. At the meeting the Board may impose an administrative civil liability in the amount proposed or for a different amount; decline to seek civil liability; or refer the case to the Attorney General to have a Superior Court consider imposition of a penalty.
2. You can waive the right to a hearing by signing the last page of the Complaint and checking the box. By doing so, you agree to pay the liability within 30 days of signing the waiver. In addition, please fax a copy of the signed waiver to Greg Walker's attention at (510) 622-2460 no later than February 11, 2001.

If you have any questions please call Greg Walker at (510) 622-2437.

Sincerely,

*Loretta K. Barsamian*

Loretta K. Barsamian  
Executive Officer

Enclosure: Complaint No. 01-132

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**COMPLAINT NO. 01-132**

**MANDATORY MINIMUM PENALTY  
IN THE MATTER OF  
FAIRFIELD SUISUN SANITARY DISTRICT  
SOLANO COUNTY**

This Complaint to assess mandatory minimum penalties pursuant to California Water Code section 13385 is issued to the Fairfield Suisun Sanitary District (hereinafter the discharger) based on a finding of violations of Waste Discharge Requirements Order No. 98-077 (NPDES No. CA0038024).

The Executive Officer finds the following:

1. On July 15, 1998, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 98-077 for the discharger to regulate discharges of waste from their treatment plant.
2. Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. In lieu of the first serious violation penalty in any of the six month period, the Regional Board may require the discharger to spend an equal amount for a supplemental environmental project or to develop a pollution prevention plan.
3. Water Code Section 13385(h)(2) defines a serious violation as any waste discharge of a Group I pollutant that exceeds the effluent limitation by 40 percent or more, or any waste discharge of a Group II pollutant that exceeds the effluent limitation by 20 percent or more.
4. Water Code Section 13385(i) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for any of the following occurrences four or more times in any six-month period, except for the first three violations:
  - a. Exceeds a waste discharge requirement effluent limitation.
  - b. Fails to file a report pursuant to Section 13260.
  - c. Files an incomplete report pursuant to Section 13260.
  - d. Exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific limitations for toxic pollutants.

5. Order No. 98-077 includes the following effluent limitation:

**B. Effluent Limitations**

*1. Conventional pollutants. The effluent discharge shall not exceed the following limits:*

*e. Ammonia Nitrogen 4.0 mg/l daily maximum*

*3. Coliform Bacteria*

*The treated wastewater, at some point in the treatment process prior to discharge, shall meet the following limits of bacteriological quality:*

*a. The moving median value of the MPN of total coliform bacteria in any seven consecutive samples shall not exceed 2.2 MPN/100 mL...*

*5. Chlorine Residual*

*The effluent shall not contain a residual chlorine concentration greater than 0.0 mg/L at any time.*

*6. The effluent discharged shall not exceed the following limits:*

*Zinc – daily average of 58 ug/L*

*Cyanide – daily average of 17.5 ug/L*

6. According to self-monitoring reports received, there were a total of nineteen effluent violations of your NPDES permit limits during the period between January 1, 2000 and September 1, 2001: four chlorine residual violations on February 16, 2000, February 20, 2000, July 28, 2001 and August 7, 2001; and six total coliform seven sample moving median violations on February 14, 15, 16, 17, 18 and 20, 2001. There were seven ammonia nitrogen daily maximum violations on June 1, 3, 4, 5, 6, 10 and 30, 2001. There was one cyanide daily average violation on June 5, 2001, and one zinc daily average violation on June 6, 2001. (Note: For the cyanide and zinc concentrations, where only one analysis is performed per day, the measured value is also the daily maximum value, and the daily average value.) The violations are listed in Table 1.
7. The four chlorine residual violations on February 16, 2000, February 20, 2000, July 28, 2001 and August 7, 2001 are serious violations because chlorine residual is a Group II pollutant and the violations exceed the effluent limitation by 20 percent or more. Each serious violation is subject to a mandatory \$3,000 penalty under Section 13385(h)(1). The total mandatory penalty for the four chlorine residual violations is \$12,000
8. The three total coliform seven sample moving median violations occurring on February 17, 2001, February 18, 2001, and February 20, 2001 are subject to mandatory minimum penalties since there have been four or more violations in the preceding 180 days. Each violation is subject to a \$3,000 mandatory penalty under Section 13385(i). The total mandatory penalty for the three total coliform seven sample moving median violations is \$9,000.
9. Of the seven ammonia nitrogen daily maximum violations on June 1, 3, 4, 5, 6, 10 and 30, 2001, the first five are serious violations because ammonia nitrogen is a Group I

pollutant and the violations exceed the effluent limitation by 40 percent or more. Each serious violation is subject to a mandatory \$3,000 penalty under Section 13385(h)(1). The two ammonia nitrogen daily maximum violations on June 10 and 30, 2001, are each subject to a mandatory \$3,000 penalty under Section 13385(i) since there have been four or more violations within the preceding 180 days. The total penalty for the seven ammonia nitrogen violations is \$21,000.

10. The cyanide daily average violation on June 5, 2001, is a serious violation because cyanide is a Group II pollutant and the violation exceeds the effluent limitation by 20 percent or more. Each serious violation is subject to a mandatory \$3,000 penalty under Section 13385(h)(1). The mandatory penalty for the cyanide violation is \$3,000.
11. The zinc daily average violation on June 6, 2001, is a serious violation because zinc is a Group II pollutant and the violation exceeds the effluent limitation by 20 percent or more. Each serious violation is subject to a mandatory \$3,000 penalty under Section 13385(h)(1). The mandatory penalty for the zinc violation is \$3,000.
12. For the 16 violations in findings 7 through 11, the total mandatory penalty is \$48,000. The violations and associated penalties are listed in Table 1.
13. In lieu of the \$3,000 penalty for the first serious violation in the preceding 180 days the discharger may be permitted to complete a pollution prevention plan (PPP) or conduct a supplemental environmental project (SEP) approved by the Executive Officer. The chlorine residual violation on February 16, 2000 and the ammonia nitrogen daily maximum violations on June 1, 2001 are each the first serious violation in the respective preceding 180 days and are therefore eligible for PPP or SEP substitution. With the Executive Officer's approval the two projects may be combined or the funds applied towards an existing approved SEP or PPP.

**THE FAIRFIELD SUISUN SANITARY DISTRICT IS HEREBY GIVEN NOTICE THAT:**

1. The Executive Officer of the Regional Board proposes that the discharger be assessed a mandatory minimum penalty in the amount of \$48,000.
2. The Regional Board shall hold a hearing on February 27, 2002, unless the discharger agrees to waive the hearing and pay the mandatory minimum penalty of \$48,000 in full.
3. In lieu of the \$6,000 penalty for the first serious violations in the preceding 180 days the Executive Officer may allow the discharger to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Executive Officer. The discharger must make such a request no later than February 11, 2002.
4. The discharger may waive the right to a hearing. If you wish to waive the hearing, please check and sign the attached waiver and return it and a check made payable to the State

Water Resources Control Board for the full amount, or propose a supplemental environmental or pollution prevention project as described above for the Executive Officer's approval.

Loretta K. Barsamian

Loretta K. Barsamian  
Executive Officer

February 4, 2002

Date

## WAIVER

- ☐ By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 01-132 and to remit payment for the civil liability imposed to the State Water Resources Control Board at 1515 Clay Street, Oakland CA 94612. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the civil liability imposed within 30 days after signing this waiver.
- ☐ By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 01-132 and to complete a pollution prevention plan or conduct a supplemental environmental project in lieu of the civil liability imposed for the first serious violation, subject to approval by the Executive Officer. If the pollution prevention plan or supplemental environmental project is not acceptable to the Executive Officer, I agree to pay the civil liability within 30 days of a letter from the Executive Officer denying the approval of the proposed project. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Executive Officer within a time schedule set by the Executive Officer.

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title/Organization



## WAIVER


- ☒ By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 01-132 and to remit payment for the civil liability imposed to the State Water Resources Control Board at 1515 Clay Street, Oakland CA 94612. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the civil liability imposed within 30 days after signing this waiver.
- ☐ By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 01-132 and to complete a pollution prevention plan or conduct a supplemental environmental project in lieu of the civil liability imposed for the first serious violation, subject to approval by the Executive Officer. If the pollution prevention plan or supplemental environmental project is not acceptable to the Executive Officer, I agree to pay the civil liability within 30 days of a letter from the Executive Officer denying the approval of the proposed project. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Executive Officer within a time schedule set by the Executive Officer.

PAUL RHEAULT

Name (print)

2.14.02

Date

  
SignatureProject Director / OMI  
Title/Organization

## Appendix B

# Errata Sheet No. 1

COMPLAINT NO. 01-132

MANDATORY MINIMUM PENALTY  
IN THE MATTER OF  
FAIRFIELD SUISUN SANITARY DISTRICT  
SOLANO COUNTY

SUBJECT: Errata Sheet - Fairfield-Suisun Sewer District- COMPLAINT NO. 01-132

DISCUSSION: Staff proposes the following changes:

- 1. Change all references to: ~~Fairfield-Suisun Sanitary District~~ to *Fairfield-Suisun Sewer District*.
- 2. Change **Finding 8**, as indicated:

The three total coliform seven sample moving median violations occurring on February 17, 2001, February 18, 2001, and February 20, 2001 are subject to mandatory minimum penalties since ~~there have been four or more~~ *they are the fourth, fifth and sixth* violations in the preceding 180 days...

- 3. Change **Finding 9**, as indicated:

Of the ~~seven~~ *six* ammonia nitrogen daily maximum violations on June 1, 3, 4, 5, 6, ~~10 and 30~~, and 10, 2001, the first five are serious violations ... ..The ~~two~~ ammonia nitrogen daily maximum violations on June 10 ~~and 30, 2001, are each—~~ *and the monthly average ammonia nitrogen violation on June 30, 2001, are each* subject to a mandatory \$3,000 penalty ...

- 4. Change **Finding 11**, as indicated:

The zinc daily average violation on June 6, 2001, ~~is a serious violation because zinc is a Group II pollutant and the violation exceeds the effluent limitation by 20 percent or more. Each serious violation is subject to a mandatory \$3,000 penalty under Section 13385(h)(1).~~ *is subject to a mandatory \$3,000 penalty under Section 13385(i) since there have been four or more violations within the preceding 180 days. ...*

- 5. Change **Table 1**, Line 19 as follows:

**Table 1 : Violations-Fairfield-Suisun Sewer District, Complaint 01-132, Line 19**

Which reads:

C9 30-Jun-01	Ammonia(as N) Eff <del>Daily Maximum</del> mg/l	Max. 4	4.56	\$3,000
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Is to be altered to read:

C9 30-Jun-01	Ammonia(as N) Eff <i>Monthly Average</i> mg/l	Max. 4	4.56	\$3,000
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